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REMARKS

Claims 1-22 and 25-27 are now pending in the present application. No claims have been amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102

Claims 1-8, 11-22 and 25-27 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Beser (US Patent 6,049,826). The Examiner directs the Applicant to Fig 5 and Fig. 7A-7B and col 13, lines 25 to col. 17, line 50 of Beser as support for the rejection.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102(b) only if every element of a claimed invention is found in a single prior art reference.

As regards independent claims 1, 17, 19, 22 and 26, Beser does not teach the claimed feature of broadcasting a request that "contains a unique bi-directional IP communication device identifier stored in the IP communication device and associated with a unique user" and "receiving said basic configuration details including an IP address from the server at said device, where said basic configuration details are assigned to said unique user based on said unique bi-directional IP communication device identifier." The unique IP address sent by the server back to the device is an IP address that is assigned to that unique user based on the unique device identifier, i.e. the IP address is not random. In one embodiment, as reflected for example in claims 2 and 11, this is equivalent to modifying the DHCP initialization process, specifically modifying the DHCP Discover request to include the unique bi-directional IP communication device identifier (step 420 FIG. 4a) and modifying the DHCP server to include a table that matches a unique user and his/her unique bi-directional IP communication device identifier to basic configuration details including an IP address (Configuration Table 322 and configuration details 324 FIG 3).

As Beser describes in the Background of the Invention, in a typical cable modem initialization scenario DHCP is used to obtain an IP address and to obtain the name of a configuration file on a DHCP server from which configuration parameters and the addressable IP address are obtained. The DHCP initialization process sends a DHCP Discover request to the DHCP servers and receives back a random IP address. Once an IP address is obtained, the cable modem obtains the name of the configuration file. Each DHCP has an identical copy of the same configuration file, and thus each modem is configured exactly the same way. Since

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cable modems are made by different manufacturers and used for different purposes, a single common configuration file is inappropriate for all modems.

At col 3, lines 2-16, Beser states "However, if more than one configuration file name is used in a data-over-cable system, DHCP servers would be required to maintain a listing of configuration files for multiple cable modem types. This would not be practical in a data-over-cable system. In addition, modifying DHCP servers to use more than one configuration file violates the spirit of the DHCP standard and is expensive since a large number of DHCP servers, including third-party DHCP servers in the data-over-cable system would require modifications." Beser then says "It is desirable to allow an individual cable modem to use configuration information from a configuration file different from the default configuration file without modifying existing DHCP servers or the DHCP initialization process used to obtain an IP address and a configuration file name." Beser very clearly teaches that modifying the DHCP servers to maintain more than one configuration file would be impractical and in violation of the spirit of the DHCP standard. Beser does not teach how one would implement such a system as it is clearly undesirable. Beser also clearly establishes that the object of his invention is to provide a method of providing different configuration files "without modifications to any DHCP servers or the DHCP initialization process" (col 4, l. 18-20).

Beser then describes a process that allows a dynamic protocol server to override a request for a standard configuration file whose name is supplied to a cable modem in a DHCP response message during initialization. Beser transmits a standard DHCP Discover request (step 142, FIG. 7a), receives multiple DHCP Offer messages that include random IP addresses and acknowledges one. Beser does not transmit a DHCP Discover request that includes a unique device identifier and does not receive back the IP address assigned to the unique user associated with that device identifier. Instead, the server performs a reverse DNS lookup of the selected IP address. Based on the determined identity of the cable modem, the server constructs a new configuration file specifically for the cable modem and transmits it to the cable modem.

Claims 1, 17, 19, 22 and 26 include features that are not disclosed in Beser, therefore this 102 rejection based upon Beser is not valid. Applicant respectfully requests withdrawal

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of this rejection with respect independent claims 1, 17, 19, 22 and 26 and with respect to dependent claims 2-16, 18, 20-21, 25 and 27.

II. 35 U.S.C. § 103

Claims 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beser in view of Huotari (US Pub No. 2002/0004935). The rejections of claim 9-10 are overcome in view of the arguments provided above.

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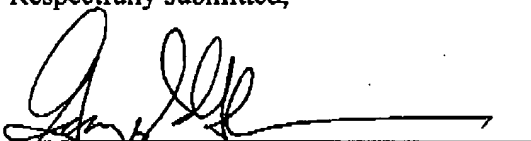
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Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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